

## LEGISLATIVE BILL 3

Approved by the Governor February 15, 1991

Introduced by Executive Board: Labeledz, 5, Chairperson

AN ACT relating to public power; to amend sections 70-619 and 70-623.02, Reissue Revised Statutes of Nebraska, 1943; to change references to certain board and district officers to harmonize with changes made by Laws 1984, LB 49; and to repeal the original sections.  
Be it enacted by the people of the State of Nebraska,

Section 1. That section 70-619, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-619. The corporate powers of the district shall be vested in and exercised by the board of directors of the district. No person shall be qualified to hold office as a member of the board of directors unless (1) he or she shall be is an elector (a) of such chartered territory, (b) of the subdivision from which a director is to be elected or, if such chartered territory is subdivided for election purposes as provided in sections 70-619 to 70-617, of the subdivision of which he or she shall be an elector section 70-612, or (c) of one of the combined subdivisions from which directors are to be elected at large as provided in section 70-612; or (2) he or she is a retail customer duly certified in accordance with subsection (3) of section 70-604.03.

Within thirty days after a general election at which a director has been elected to the board of directors of a district, the district shall apply to the Secretary of State for a certificate of qualification for the director to serve the district. The application for such certificate shall be made in writing, signed by the president or chairperson of the board of the district, and attested to by the secretary of the district and shall state that the director has been duly elected at a general election and resides in the chartered territory of the district or is eligible to serve as provided in sections 70-604.03 and 70-610. Upon receipt of such application, the Secretary of State shall investigate whether or not the newly elected director does in fact reside in the chartered territory of the district or is eligible to serve as provided in

sections 70-604.03 and 70-610, and if he or she the newly elected director is a bona fide resident or is eligible to serve, the Secretary of State shall issue a certificate of qualification to be served upon the district confirming the qualification of the newly elected director to serve as the director. If the Secretary of State determines that the newly elected director does not reside in the chartered territory of such district and or is not eligible to serve as provided in sections 70-604.03 and 70-610, the Secretary of State shall notify the district of the lack of qualification of such director, and he or she the newly elected director shall be ineligible to serve as a director of the district. A vacancy on the board of directors shall be declared to exist, and such vacancy shall be filled as provided in section 70-615.

No person who is a full-time or part-time employee of the district shall be eligible to serve as a member of the board of directors unless such person resigns or assumes an unpaid leave of absence for the term as a member. The district shall grant such leave of absence when requested by any employee for the purpose of the employee serving as a member of the board of directors. No person shall be qualified to be a member of more than one such district board, except that a director of a rural public power district may serve as a director of another public power district formed or organized for the purpose of generating electric energy or transmitting electric energy exclusively for resale to some other public power districts, rural electric cooperatives, and membership associations or municipalities. No member of a governing body of any one of the municipalities within the areas of the district shall be qualified to serve on the original board of directors under sections 70-603 to 70-609.

Sec. 2. That section 70-623.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-623.02. The foregoing audit and report audit required by section 70-623 shall be made at the close of the fiscal year. The person making the examination and audit shall have access to all books, records, vouchers, papers, contracts, or other data containing information on said the subject (a) (1) in the office of said the public power or public power and irrigation district, (b) (2) in the office of the general manager chief executive officer of the district provided for in section 70-620.01. or (c) (3) in the possession or under the control of any of the officers,

agents, or servants of the district. ~~It is hereby made the duty of all~~ All officers, agents, and servants of ~~said the~~ public power or public power and irrigation district ~~to shall~~ furnish to the Auditor of Public Accounts, and his or her agents, servants, and employees, such information regarding the auditing of ~~such the~~ public power or public power and irrigation districts as may be demanded.

Sec. 3. That original sections 70-619 and 70-623.02, Reissue Revised Statutes of Nebraska, 1943, are repealed.